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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

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In the Matter of

VALERIE EUG. DOUNSKI, D.D.S.  
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: Administrative Action  
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FINAL ORDER  
OF DENIAL

This matter was opened to the Board on information received and reviewed by the Board and on which the following preliminary findings were made in the Board's Provisional Order Of Denial of Licensure issued on July 8, 1998:

FINDINGS OF FACT

1. In March 1998 respondent applied for a license to practice dentistry in the State of New Jersey.
2. On his application respondent answered affirmatively to the inquiry regarding criminal history.
3. On or about May 16, 1997, respondent was indicted by a federal grand jury in the Eastern District of New York. The indictment alleged that respondent operated Medical Supplies, Inc., a durable medical supply company located in Brooklyn, New York, and that he knowingly and wilfully offered to pay remuneration to a physician to induce the physician to refer individuals to Medical Supplies, Inc., for furnishing durable medical equipment under the Medicare program.
4. On or about June 13, 1997, respondent pled guilty to the charge. On or about September 5, 1997, respondent was sentenced

to five years probation, six months home detention (with permission to go to work and school), two hundred hours of community service, and ordered to pay restitution and costs related to his home confinement for a total of \$25,373.47.

#### DISCUSSION


The Board's Provisional Order concluded that the facts supported a determination to deny licensure as Dr. Dounski had been convicted of a crime of moral turpitude and/or a crime relating adversely to an activity regulated by the Board. N.J.S.A. 45:1-21(f) and N.J.S.A. 45:6-7(b). The Provisional Order further provided Dr. Dounski with the opportunity to submit to the Board within 30 days of its entry, a written statement requesting modification or dismissal of the Order setting forth all reasons why the findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence that supported Dr. Dounski's request for consideration. The Provisional Order reserved to the Board the discretion to consider the matter on the papers submitted to conduct an evidentiary hearing.

In response to the Provisional Order, counsel for Dr. Dounski submitted a seven page letter to the Board along with a sworn letter from Dr. Dounski, letters of reference from Alexey Isakov, M.D., and Inna Bulanova, and documents reflecting loan balances and course work. Counsel for Dr. Dounski asserted in that letter that the Board, by entering the Provisional Order, had failed to provide Dr. Dounski an opportunity to be heard with regard to his application.

On September 9, 1998, the Board considered whether to affirm or modify its provisional order or to schedule an evidentiary hearing. At the outset, the Board notes that the Provisional Order did provide an opportunity to be heard consistent with due process requirements. In fact, respondent took advantage of that opportunity through the submissions outlined above. Included in counsel's letter was a suggestion for alternate action, i.e., that the Board impose restrictions on Dr. Dounski's license. All materials submitted were considered by the Board. Following review of the record, the Board determined that no information had been presented which altered its preliminary finding that respondent's plea of guilty to the criminal charges constitutes a conviction of a crime of moral turpitude and/or a crime relating adversely to the activities regulated by the Board, which provides grounds for refusal to issue a license pursuant to N.J.S.A. 45:1-21(f) and N.J.S.A. 45:6-7 (b). The conviction is conclusive proof before the Board and supports its preliminary finding that the license shall be denied. Further, the Board found nothing submitted in Dr. Dounski's response to the Provisional Order that demonstrated a need for an evidentiary hearing on mitigation of the Board's decision. The nature of the crime, knowingly and willfully offering to pay remuneration to a physician to induce the physician to refer individuals to a particular entity for furnishing durable medical equipment under the Medicaid program, the impact such a crime has on the public, and the need to ensure a high level of public confidence in the character and integrity of those holding a license to practice dentistry in the State, warrant the imposition of the denial provisionally imposed by this Board in July 1998.

IT IS, THEREFORE, ON THIS 4TH DAY OF November, 1998  
ORDERED that the application of Valerie Eug. Dounski, D.D.S.,  
to practice dentistry in the State of New Jersey is denied.

NEW JERSEY STATE  
BOARD OF DENTISTRY

By:   
Abraham Samansky, D.D.S.  
President